IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

von BORSTEL et al — Atty. Ref.: 1331-353

Serial No. Unassigned — Group:

Filed: September 28, 2001 — Examiner:

For: ACYLATED URIDINE AND CYTIDINE AND USES THEREOF

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September 28, 2001

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

PRELIMINARY AMENDMENT

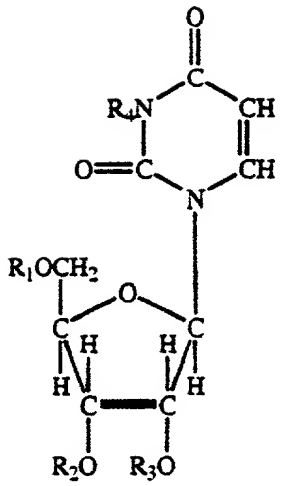
Please amend the above-identified application as follows:

IN THE CLAIMS

Please cancel all of the claims in this application and replace by the following new claims

40 (New). A pharmaceutical composition comprising an acyl derivative of uridine having the formula (I)

(I)



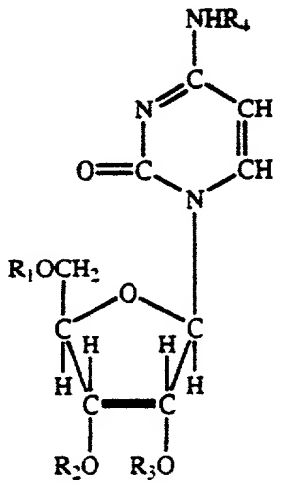
wherein R_1, R_2, R_3 and R_4 are the same or different and each is hydrogen or an acyl radical of a carboxylic acid selected from the group consisting of glycolic acid, pyruvic acid, lactic acid, enolpyruvic acid, an amino acid, a fatty acid of 2 to 22 carbon atoms, lipoic acid, pantothenic acid, succinic acid, fumaric acid, adipic acid, acetoacetic acid, p-aminobenzoic acid, betahydroxybutyric acid, orotic acid, and creatine, provided that at least one of said R substituents is not hydrogen, or a pharmaceutically acceptable salt thereof,

and a pharmaceutically acceptable carrier,

wherein said composition is in a form suitable for oral administration.

41 (New). A pharmaceutical composition comprising an acyl derivative of cytidine having the formula (III)

(III)



wherein R_1, R_2 and R_3 are the same or different and each is hydrogen or an acyl radical of a carboxylic acid selected from the group consisting of glycolic acid, pyruvic acid, lactic acid, enolpyruvic acid, an amino acid, a fatty acid of 2 to 22 carbon atoms, lipoic acid, pantothenic acid, succinic acid, fumaric acid, adipic acid, acetoacetic acid, p-aminobenzoic acid, betahydroxybutyric acid, orotic acid, and creatine, provided that at least one of said R substituents is not hydrogen, and R_4 is an amino acid, or a pharmaceutically acceptable salt thereof,

and a pharmaceutically acceptable carrier,

wherein said composition is in a form suitable for oral administration.

42 (New). A composition as in claim 40 wherein said pharmaceutically acceptable carrier is a filler selected from the group consisting of a sugar, a cellulose preparation and a calcium phosphate.

43 (New). A composition as in claim 42 wherein said sugar is lactose, sucrose, mannitol or sorbitol.

44 (New). A composition as in claim 40 wherein said pharmaceutically acceptable carrier is a binder selected from the group consisting of maize starch, wheat starch, rice starch, potato starch, gelatin, tragacanth, methyl cellulose, hydroxypropylmethyl cellulose, sodium carboxymethyl cellulose, and polyvinyl pyrrolidone.

45 (New). A composition as in claim 40 wherein said pharmaceutically acceptable carrier is selected from the group consisting of carboxymethylstarch, cross-linked polyvinyl pyrrolidone, agar, or alginic acid or a salt thereof.

46 (New). A composition as in claim 40 wherein said pharmaceutically acceptable carrier is a flow-regulating agent or lubricant selected from the group consisting of silica, talc, stearic acid or salts thereof, and polyethylene glycol.

47 (New). A composition as in claim 46 wherein said salt is magnesium stearate or calcium stearate.

48 (New). A composition as in claim 40 wherein said pharmaceutically acceptable carrier is a coating selected from the group consisting of sugar solutions which optionally contain gum arabic, talc, polyvinyl pyrrolidone, polyethylene glycol and/or titanium dioxide, lacquer solutions, and a cellulose preparation.

49 (New). A composition as in claim 48 wherein said cellulose preparation is acetylcellulose phthalate or hydroxylpropylmethylcellulose phthalate.

50 (New). A composition as in claim 40 wherein said pharmaceutically acceptable carrier is gelatin.

51 (New). Composition as in claim 40 wherein said pharmaceutically acceptable carrier is a base selected from the group consisting of triglycerides, paraffin hydrocarbons, polyethylene glycols and higher alkanols.

52 (New). A composition as in claim 40 wherein said pharmaceutically acceptable carrier is a lipophilic solvent or vehicle selected from the group consisting of fatty oils and fatty acid esters.

53 (New). A composition as in claim 40 wherein said pharmaceutically acceptable carrier is an aqueous injection suspension selected from the group consisting of sodium carboxymethylcellulose, sorbitol, and dextran.

54 (New). A composition as in claim 40 wherein said acyl derivative of uridine is 2',3',5'-tri-O-acetyl uridine, 2',3',5'-tri-O-propionyl uridine, or 2',3',5'-tri-O-butyryl uridine.

REMARKS

New claims 40-54 are rpesented based on Claims 9-23 of commonly assigned U.S. patent 6,258,795 ('795 patent). Claims 40 and 41 differ from Claims 10 and 11 in the '795 patent in that in Claims 40 and 41 it is stated that the composition is suitable for oral administration. Basis appears at page 34, lines 8 and 9. No new matter is entered.

Respectfully submitted,

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